

PATRICK HAMMON (255047)
McMANIS FAULKNER
a Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
Email: phammon@mcmanislaw.com

Attorneys for Non-Party,
ROBLOX INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff, Counter-Defendant

vs.

APPLE INC.

Defendant, Counterclaimant

Case No.: 4:20-cv-05640-YGR

**NON-PARTY ROBLOX INC.'S
ADMINISTRATIVE MOTION TO KEEP
COMPETITIVELY SENSITIVE
INFORMATION UNDER SEAL**

Judge: Hon. Yvonne Gonzalez Rogers

1 Pursuant to Local Civil Rules 7-11 and 79-5, non-party Roblox Corporation (“Roblox”)
2 hereby seeks an Order permitting Apple Inc.’s (“Apple”) Exhibit DX-3879 to remain under seal.

3 DX-3879 contains Roblox’s highly sensitive, confidential, competitively valuable
4 information, including revenue data for key distribution platforms from 2015 to 2020 and
5 detailed information about active users of the Roblox platform. Roblox expends significant effort
6 to keep this information confidential. The company does not share revenue information with any
7 third parties, except as required under applicable law, unless such parties are bound by a written
8 confidentiality agreement. Likewise, Roblox does not share information relating to its active
9 users with any third parties unless they are bound by a written confidentiality agreement. The
10 revenue and user information in DX-3879 has not otherwise been made public by Roblox.

11 Roblox would likely suffer competitive harm were this information to be made public.
12 The disclosure of revenue and user information would provide actionable intelligence to
13 competitors who could use it to focus their efforts on particular distribution platforms in order to
14 gain a competitive advantage over Roblox. In order to prevent precisely such anticipated
15 competitive harms, the above information was designated as CONFIDENTIAL or HIGHLY
16 CONFIDENTIAL – ATTORNEYS’ EYES ONLY, pursuant to the Stipulated and Amended
17 Protective Order dated January 21, 2021 (the “Protective Order”) (Dkt. No. 274), when Roblox
18 produced DX-3879 to Apple in response to its subpoena to Roblox in this litigation.

19 Courts of this circuit have repeatedly held that “the common law right of inspection
20 [bows] before the power of a court to ensure that its records are not used... as sources of
21 business information that might harm a litigant’s competitive standing.” *FTC v. Qualcomm Inc.*,
22 2019 U.S. Dist. LEXIS 1289 at *14-15 (N.D. Cal. Jan 3, 2019) (quoting *In re Elec. Arts, Inc.*,
23 298 F. App’x 568, 569 (9th Cir. 2008)). Just so here, the court should ensure “that its records are
24 not used as a source of business information that” would harm Roblox’s competitive standing.

25 For the reasons set forth above and in the accompanying Declaration of Hans Gunawan,
26 Roblox has established that the information contained in DX-3879 is sealable and should remain
27 redacted when DX-3879 is used at trial and if it is referenced in any pre- or post-trial briefing.
28

1 Accordingly, Roblox respectfully requests that the Court grant its motion to permit DX-3879 to
2 remain under seal.

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4 DATED: April 29, 2021

McMANIS FAULKNER

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6 /s/ Patrick Hammon
PATRICK HAMMON

7 Attorneys for Non-Party,
8 ROBLOX INC
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